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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,725	11/25/2003	David Matthew Deaven	138257SV/YOD GEMS:0252	8147
7590 Patrick S. Yoder FLETCHER YODER P.O. Box 692289 Houston, TX 77269-2289			EXAMINER AZARIAN, SEYED H	
			ART UNIT 2624	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE 3 MONTHS		MAIL DATE 04/11/2007	DELIVERY MODE PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/722,725

Applicant(s)

DEAVEN ET AL.

Examiner

Seyed Azarian

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 1 define “ a computer program provide on one or more computer readable media” embodying functional descriptive material. However, the claim does not define a “computer-readable medium”, or computer readable medium encoded with a computer program, such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer.

### **Claim Rejections - 35 USC § 103**

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Harple et al (U.S. patent 6,195,091) in view of Vining et al (U.S. patent 6,785,410).

Regarding claim 1, Harple discloses a method for collaboratively handling an image data set, comprising the steps of (see abstract, computing collaborative);

Art Unit: 2624

initiating a collaborative session on an application server connected to a network (see abstract provide networking and collaborative computing functions and connected to conference engine via inter process control);

joining one or more collaborative workstations on the network to the collaborative session, such that the one or more collaborative workstations and the application server comprise (Fig. 1, column 3, lines 5-16, collaborative computing system is installed in workstation and includes user interface module, user interface API, application library, a cell network);

and providing one or more routines stored on the application server (column 5, lines 31-41, refer to store and display).

However regarding claim 1, Harple discloses (column 6, lines 10-40, participating workstations, scanner and server), but does not explicitly state it's corresponding "the participating nodes (such as PACS), wherein the one or more routines are useful for at least one of processing and analyzing an image data set". On the other hand Vining in the same field of analysis of image data teaches (column 4, lines 16-38, the data from the PACS is stored in the examination image storage where it can be accessed via the computer console and display for analyzing the image).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Harple invention according to the teaching of Vining because it provides for quick turnaround of information to the user, and on-going tracking of previous finding for better accuracy and effective information, which can easily implemented in an imaging device such as tomography.

Art Unit: 2624

Regarding claim 2, Harple discloses the method as recited in claim 1, wherein the two or more of the participating nodes located at separate respective locations (column 5, line 66 through column 6, line 16, separate area for participating nodes).

Regarding claim 4, Harple discloses the method as recited in claim 1, wherein the one or more collaborative workstations comprise thin clients (Fig. 1, column 3, lines 5-16, collaborative computing system is installed in workstation and includes user interface module, user interface API, application library, a cell network).

Regarding claim 5, Harple discloses the method as recited in claim 1, comprising the step of: providing audio communication between the two or more of the participating nodes via the network (column 6, lines 41-51, audio tool application).

Regarding claim 6, Harple discloses the method as recited in claim 1, comprising the step of, processing the image data set at one or more of the participating nodes using the one or more provided routines (see claim 1, also column 6, lines 10-40, participating workstations, scanner and server).

Regarding claim 7, Harple discloses the method as recited in claim 1, comprising the step of: analyzing one or more images generated from the image data set at one or more of the participating nodes using the one or more provided routines; and reviewing the analysis of the one or more images (see claim 1, also column 6, lines 10-17, participating workstations for displaying and editing images, allows the user to analysis images in a real-time manner with the other members of conference session).

Regarding claim 8, Harple discloses the method as recited in claim 1, comprising the step of: attaching a multimedia object to at least one of the image data set and an image derived from the image data set (Fig. 4, column 11, lines 42-55, Multimedia subsystem).

Regarding claim 9, Harple discloses a computer program, provided on one or more computer readable media, for providing a collaborative imaging system environment, comprising: a routine for initiating a collaborative session on an application server connected to a network, a routine for joining one or more collaborative workstations on the network to the collaborative session, such that the one or more collaborative workstations and the application server comprise participating nodes of the collaborative session (see claim 1, also column 5, lines 31-41, computer system and software).

Regarding claim 10, Harple discloses the computer program as recited in claim 9, wherein the one or more routines comprise at least one of a processing routine and a visualization routine (see claim 9, also column 6, lines 10-17, participating workstations, for displaying and editing images, allows the user to analysis images in a real-time manner with the other members of conference session).

Regarding claim 12, Harple discloses the computer program as recited in claim 9, wherein the one or more collaborative workstations comprise thin clients (see claim 9, also Fig. 1, column 3, lines 5-16, collaborative computing system is installed in workstation and includes user interface module, user interface API, application library, a cell network).

Regarding claim 13, Harple discloses the computer program as recited in claim 9, further comprising: a routine for providing audio communication between the two or more of the

Art Unit: 2624

participating nodes via the network (see claim 9, also column 6, lines 41-45, audio tool application).

With regard to claims 3, 11, 14 and 15, the arguments analogous to those presented above for claims 1, 2, 4 and 5 are respectively applicable to claims 3, 11, 14 and 15.

With regard to claims 16-20, the arguments analogous to those presented above for claims 1, 2, 4, 5 and 9 are respectively applicable to claims 16-20.

### Other prior art cited

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(U.S. patent 7,047,235) to Yang is cited for method and apparatus for creating medical teaching files from image archives.

(U.S. patent 6,891,920) to Minyard et al is cited for automatic background processing mammography image data.

(U.S. patent 7,026,121) to Wohlgemuth et al is cited for method and compositions for diagnosing and monitoring transplant rejection.

(U.S. patent 6,772,335) to Curits et al is cited for multimedia coordination system.

### **Contact Information**

Art Unit: 2624

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached at (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Status information about the PAIR system, see [http:// pair-direct.uspto.gov](http://pair-direct.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Seyed Azarian*  
*Patent Examiner*  
*Group Art Unit 2624*  
April 4, 2006

A handwritten signature in cursive script that reads "Seyed Azarian".